IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 17720 of 2007(H)

PETITIONER:

THE BOARD OF DIRECTORS OF THE UMAYATTUKARA SERVICE CO-OPERATIVE BANK LTD.NO.499, KALLISSERY P.O., CHENGANNUR, REPRESENTED BY ITS PRESIDENT CHARLY ABRAHAM.

BY ADV. SRI.V.G.ARUN
SRI.T.R.HARIKUMAR

RESPONDENTS:
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1. THE JOINT REGISTRAR OF CO-OPERATIVE, SOCIETIES (GENERAL), ALLEPPEY.

2. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES (GENERAL), CHENGANNUR.

BY GOVT. PLEADER SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.17720 of 2007

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Dated this the 12th day of June, 2007

JUDGMENT

Petitioner challenges Exts. P4, P6 and P10 and seeks a direction to the second respondent to order an enquiry into the circumstances leading to the issuance of Ext.P6. Petitioner is a Co-operative Society. By Ext.P4 an enquiry is ordered under Section 65 of the Act. By the said order one Smt.S.Usha has been appointed as Officer. Ext.P4 is dated 17.1.2007. By Ext.P6 one Sri.Sreekumar is appointed to assist the officer appointed under Ext.P4. Against Ext.P10 petitioner has already given Ext.P11 reply. By Ext.P4 a period of two months was fixed as the period for completing the enquiry. But it is not completed within the time and without giving extension the enquiry is being conducted, petitioner complains. Learned Government Pleader on instructions submits that the time has been extended. I also note that the writ petition is filed on 8.6.2007.

2. As far as challenge to Ext.P6 is concerned, no doubt learned counsel for the petitioner relied on the decision reported in **Ellakkal**

Service Co-operative Bank v. State of Kerala (1997(2) K.L.T. 85) to contend that Ext.P6 is unwarranted as by Ext.P4 a named person has been appointed to conduct the enquiry and there is no provision to appoint another person, who is in fact senior to the person appointed. In particular he raised allegations against Sri.Sreekumar, who has been appointed vide Ext.P6 to the extent that he is inimical towards the Bank.

3. Learned Government Pleader would submit that it may not be correct to say that Ext.P6 is unwarranted as Sri.Sreekumar is appointed only to assist Smt.Usha, as she is already holding two enquiries and she made a request for assistance. The enquiry as such will be conducted only by Smt.Usha, he submits. Learned Government Pleader further contends that the person appointed under Ext.P6, namely, Sri.Sreekumar shall not go to the Bank on the basis of Ext.P6. This is recorded. In such circumstances, I feel that the interests of the petitioner are safeguarded and I am not considering the specific challenge to Ext.P6.

4. As far as the challenge to Ext.P10 is concerned, petitioner has

already devised a reply, Ext.P11. The only direction that I need to pass is that the enquiry officer will duly consider Ext.P11 and take a decision in the matter. Needless to say when a decision is taken the matter will be proceeded with strictly in accordance with law.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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